

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

OCT 17 2001

FCC MAIL ROOM

In the Matter of)
)
Amendment of 73.202 (b)) MM Docket No. 01-191
Table of Allotments) RM-10211
FM Broadcast Stations)
(Clayton, OK))

To: Kathleen Sheuerle
Allocations Branch
Mass Media Bureau

Motion to Dismiss Petition

I, Maurice Salsa, respectfully move that the FCC dismiss my Petition, in the above captioned proceeding, filed on or about July 10, 2001, to allot a new FM channel to Clayton, Oklahoma.

An appropriate Affidavit, required by 47 CFR 1.420(j), is attached hereto.

Respectfully submitted,



Maurice Salsa
5616 Evergreen Valley Drive
Kingwood, TX 77345
(281) 360-6932 Tele
(713) 741-5145 Fax

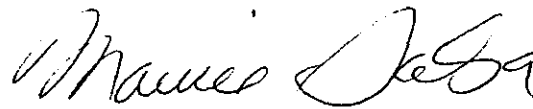
October 15, 2001
ClayDis

SWORN AFFIDAVIT

Maurice Salsa does state under penalty of perjury:

1. My name is Maurice Salsa and I filed a Petition for a Rulemaking to allot a new FM channel to Clayton, OK, MM Docket No. 01-191, on or about July 10, 2001.
2. I have concluded to request that the FCC dismiss my Petition/ expression of interest. I hereby certify that I have not nor will not receive, either directly or indirectly, any money or other consideration in excess of legitimate and prudent expenses in connection with the dismissal of the Petition/ expression of interest. I declare that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 15th day of October, 2001.

A handwritten signature in cursive script, appearing to read "Maurice Salsa", written over a horizontal line.

Maurice Salsa

Exhibit B



Federal Communications Commission
Washington, D.C. 20554

March 1, 2002

Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

Dear Mr. Crawford:

This refers to the nine Petitions for Rule Making that you currently have pending before the Commission. Each of these Petitions proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, to add a new FM allotment at a specific community. These Petitions are listed in the attachment.

Commission cases require that in a rulemaking proceeding, the proponent for the FM allotment must have a good-faith, present intention to apply for the channel by participating in an eventual auction process and, if successful, constructing and operating the FM facility. Tallahassee, Port St. Joe, and Panama City, Florida, 3 FCC Rcd 5542 (1988); Murray, Kentucky, 3 FCC Rcd 3016 (1988); Pine, Arizona, 3 FCC Rcd 1010 (1988). In this instance, you have committed yourself to participate in nine auction proceedings and potentially construct and operate each of these FM facilities. This will entail a significant overall financial commitment. This commitment is in addition to your 34 proposals that are now set forth in outstanding Notices of Proposed Rule Making. It is contrary to Commission policy to allot an FM channel in the absence of a reasonable certainty that service will eventually be provided on that FM channel. For this reason, we seek assurance and information from you that you can undertake a series of significant financial expenditures that would be required by the nine Petitions for Rule Making that you now have on file. Accordingly, we request that you describe the available financial resources that would enable you to meet each of these commitments.

Further action regarding the Petitions for Rule Making listed on the attachment will be withheld for a period of twenty days from the date of this letter. Failure to respond to this request will result in the dismissal of your Petitions for Rule Making.

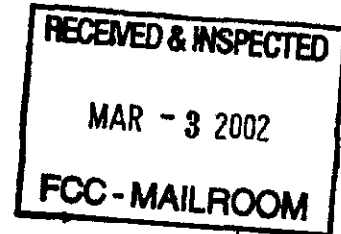
Sincerely,


Roy J. Stewart
Chief, Mass Media Bureau

Attachment

Exhibit C

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)

)
)
Amendment of Section 73.202(b),
FM Table of Allotments,
FM Broadcast Stations.
(Highland, Michigan))

MM Docket No. 01-242 /
RM-10248

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 20, 2002;

Released: March 1, 2002

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rule Making*, 16 FCC Rcd 16470 (2001), issued at the request of Charles Crawford ("petitioner") proposing the allotment of Channel 236A at Highland, Michigan, as the community's first local aural transmissions service. Petitioner filed comments in support of the proposal reaffirming his intention to apply for the channel, if allotted. Opposing comments were filed by Hatfield & Dawson Consulting Engineers, LLC. On November 2, 2001, petitioner filed a motion to dismiss his petition.¹

2. A showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. Therefore, we will grant petitioner's request to dismiss the instant proposal.

3. Accordingly, IT IS ORDERED, That the petition for rule making filed by Charles Crawford, IS DISMISSED.

4. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

¹ In accordance with Section 1.420(j) of the Commission's Rules, petitioner states that he has not received, either directly or indirectly, any money or other consideration in exchange for his dismissal.

5. For further information concerning this proceeding, contact Sharon P. McDonald,
Mass Media Bureau, (202) 418-2180.

2002-2-28 SAM

FEDERAL COMMUNICATIONS COMMISSION

RECEIVED - 2002-2-28

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Exhibit D


DECLARATION

Charles Crawford, under penalty of perjury, hereby declares the following to be true and correct:

1. I am preparing this Declaration for submission to the Federal Communications Commission ("Commission") in connection with a response, to be filed by counsel on my behalf, to a letter inquiry, dated March 1, 2002, sent to me by Roy J. Stewart, Chief, Mass Media Bureau.

2. I am aware that several acquaintances of mine, including Linda Crawford, Katherine Pyeatt, Robert Fabian, Maurice Salsa and Jeraldine Anderson have also received letters from Mr. Stewart which are substantively identical to the letter I received. As far as I am aware I and my acquaintances are the only people to whom such inquiries have been addressed. I do not know why these inquiries have been sent to me and/or acquaintances of mine but to no one else.

3. I am also aware that, in at least one rule making proceeding presently pending at the Commission, it has been suggested - inaccurately - that certain acquaintances of mine (including those who have received Mr. Stewart's letter inquiries) filed petitions for rule making on behalf of, or otherwise attributable to, me. While I fully acknowledge my acquaintanceship with those individuals, and while I also acknowledge that they and I have on occasion shared information about Commission rules, practices and procedures, I was not responsible for any petitions for rule making which they may have filed. As far as I am aware, they were responsible for their own respective filings. They were not acting at my suggestion or request or on my behalf. I am responsible only for those petitions for rule making which I subscribed and submitted. Any suggestion to the contrary is inaccurate.


Charles Crawford

Date: 3/21/02

JOHN J. MULLANEY
JOHN H. MULLANEY, P.E. (1994)
ALAN E. GEARING, P.E.

MULLANEY ENGINEERING, INC.
9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

301 921-0115 Voice
301 590-9757 Fax
mullengr@aol.com E-mail

ENGINEERING EXHIBIT EE-RM:

**REPLY COMMENTS
RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**MM DOCKET 01-216 - VALLIANT, OKLAHOMA
MM DOCKET 01-209 - BROKEN BOW, OKLAHOMA**

JULY 16, 2002

**ENGINEERING STATEMENT PREPARED ON BEHALF OF
RADIO ONE LICENSES, INC.
LICENSEE OF KTXQ-FM
CHANNEL 233C - GAINESVILLE, TEXAS**

ENGINEERING EXHIBIT EE-RM:

**REPLY COMMENTS
RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**MM DOCKET 01-216 - VALLIANT, OKLAHOMA
MM DOCKET 01-209 - BROKEN BOW, OKLAHOMA**

TABLE OF CONTENTS:

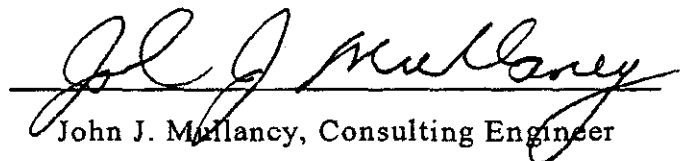
1. Declaration of Engineer.
2. Narrative Statement.
3. Figure 1, 70 & 60 dBu Coverages - 234A/C3 Valliant, OK.
4. Figure 2, Allowable Area Map - 262C3 Valliant, OK.
From Special Ref. Point 1 & 2
5. Figure 2-A, Channel Study 262C3 - from ROA 1.
6. Figure 2-B, Channel Study 262C3 - from ROA 2.

Declaration

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an principal engineer in the firm of Mullaney Engineering, Inc., and that I have provided engineering services in the area of telecommunications since 1977. My qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission.

The firm of Mullaney Engineering, Inc., has been requested by Radio One Licenses, Inc., to prepare the instant engineering exhibit in support of its Reply Comments to amend the FM Table of Allotments in MM Dockets 01-216 & 01-209.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.


John J. Mullaney, Consulting Engineer

Executed on the 16th day of July 2002

ENGINEERING EXHIBIT EE-RM:

**REPLY COMMENTS
RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**MM DOCKET 01-216 - VALLIANT, OKLAHOMA
MM DOCKET 01-209 - BROKEN BOW, OKLAHOMA**

NARRATIVE STATEMENT:

This engineering statement has been prepared on behalf of Radio One Licenses, Inc. ("ROL"), licensee of Radio Station KTXQ-FM, at Gainesville, Texas. KTXQ-FM has a pending application which is short spaced to a proposal to allot FM Channel 234C3 to Valliant, Oklahoma (MM Docket 01-216). The purpose of this statement is to provide engineering in support of its Reply Comments in MM Docket 01-216.

On July 1, 2002, the FCC issued a public notice in which it accepted the KTXQ FM application and the proposal to site restrict Ch. 234C3 at Valliant as counterproposals.

As shown herein, Adoption of the ROL counterproposal as explained herein will still permit Valliant to receive a first service (Class C3 or A) and will permit ROL to operate KTXQ-FM from a tall tower site.

Technical Discussion

Figure 1 is a map which illustrates the coverages of the three current Valliant proposals. That is the operation on Ch. 234 as a C3 or A from the city reference point and as a C3 from a site east of the city (34-01-10 / 95-01-10). The map provides the population contained within the 70 & 60 dBu contours for all three situations. In addition the plus signs (“+”) indicate the location of where the US Census established coordinates for population centroid.

In addition this area was analyzed to determine which of the existing stations provide 60 dBu service to the towns of Valliant and Broken Bow:

<u>CALL LETTER</u>	<u>CH.</u>	<u>CITY</u>		<u>ST</u>	<u>Valliant</u>	<u>Broken</u> <u>Bow</u>
KHCP	207 C3	Paris	TX	V	~	
KDQN-FM	221 C2	De Queen	AR	~		B
KOYN	230 C2	Paris	TX	V	~	
KITX	238 C2	Hugo	OK	V	~	
KBEL	244 C3	Idabel	OK	V		B
KBUS	270 C2	Paris	TX	V	~	
KQIB	275 A	Idabel	OK	V		B
KKBI	291 C2	Broken Bow	OK	V		B
KPLT-APP	299 C1	Paris	TX	V		B

City of Valliant receives a 60 dBu from eight stations.

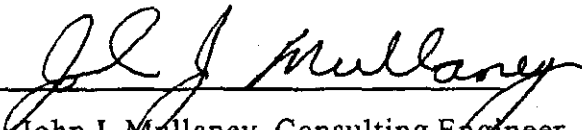
City of Broken Bow receives a 60 dBu from five stations.

Figure 2 is an allowable area map which demonstrates that in lieu of allotting Ch. 234C3 it is now possible to allot Ch. 262C3 with a site restriction northwest of Valliant. ROL is proposing two potential sites which meet the required separations. The use of which sites depends upon what the FCC decides in allotting Ch. 265A at Broken Bow, OK. It should be noted that the current reference point for 265A is not within the city of Broken Bow and yet there appears to be no valid reason why the reference point is not within the city. **Figure 2-A** is a channel study which protects 265A at Broken Bow as presently indicated by the FCC CDBS data base with a site restriction of 18.8 km on the Valliant special reference point (34-08-20 / 95-12-50). **Figure 2-B** is a channel study which protects 265A at Broken Bow assuming the city reference point with a site restriction of 14.7 km on the Valliant special reference point (34-06-50 / 95-10-45). A Class C3 facility has a city grade radius of 23 km and thus both sites easily qualify under this criteria.

The use of **262C3** at Valliant is based upon the following assumptions. That the FCC accepts the previously filed dismissal by the proponents of 262A at Antlers, OK and of 265A at Albion, OK. That the FCC recognizes that the request to allot Ch. 265A at Millerton, OK, was filed on November 9, 2001, and this is **after the close** of comments in this docket (01-216, October 22, 2002). Consequently, the Millerton request is **secondary** to the needs of previously closed dockets and therefore, can be ignored since it is not entitled to comparative analysis.

ROL believes that its requests result in a preferential arrangement of allotments and therefore, serves the public interest.

Radio One believes that modification of the NPRMs as proposed herein will serve the public interest by allotting new channels to Valliant & Broken Bow, OK and by permitting a grant of the KTXQ-FM change of site application. If the Class A channel is allotted (234A), as previously requested herein, to Valliant, OK, Radio One will file a Form 175 for the Valliant FM facility at the appropriate time.



John J. Mullaney, Consulting Engineer

July 16, 2002.

Technical Discussion

Figure 1 is a map which illustrates the coverages of the three current Valliant proposals. That is the operation on Ch. 234 as a C3 or A from the city reference point and as a C3 from a site east of the city (34-01-10 / 95-01-10). The map provides the population contained within the 70 & 60 dBu contours for all three situations. In addition the plus signs (“+”) indicate the location of where the US Census established coordinates for population centroid.

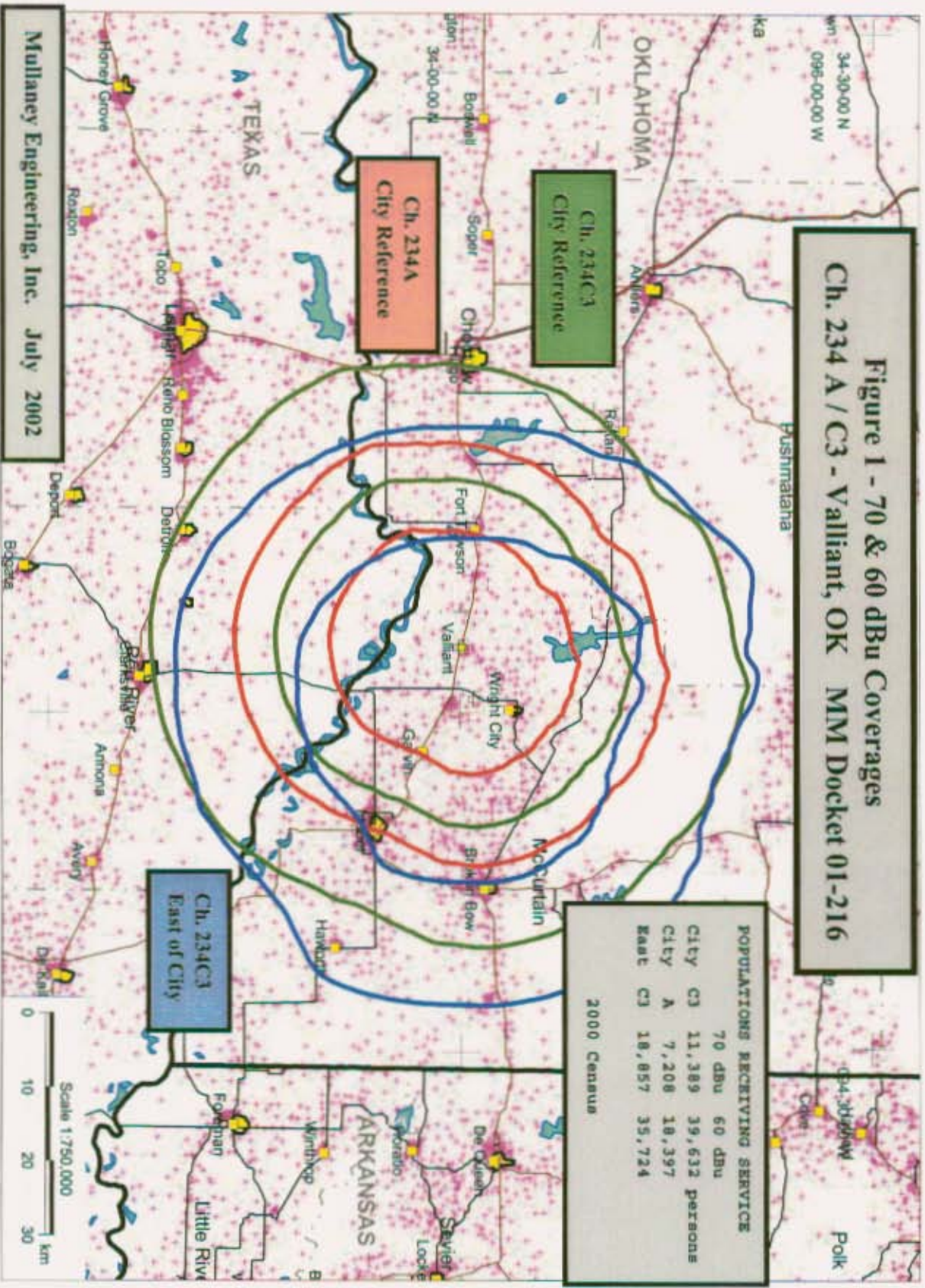
In addition this area was analyzed to determine which of the existing stations provide 60 dBu service to the towns of Valliant and Broken Bow:

<u>CALL LETTER</u>	<u>CH.</u>	<u>CITY</u>		<u>ST</u>	<u>Valliant</u>	<u>Broken</u> <u>Bow</u>
KHCP	207 C3	Paris	TX	V	~	
KDQN-FM	221 C2	De Queen	AR	~		B
KOYN	230 C2	Paris	TX	V	~	
KITX	238 C2	Hugo	OK	V	~	
KBEL	244 C3	Idabel	OK	V		B
KBUS	270 C2	Paris	TX	V	~	
KQIB	275 A	Idabel	OK	V		B
KKBI	291 C2	Broken Bow	OK	V		B
KPLT-APP	299 C1	Paris	TX	V		B

City of Valliant receives a 60 dBu from eight stations.

City of Broken Bow receives a 60 dBu from five stations.

Figure 1 - 70 & 60 dBu Coverages
Ch. 234 A / C3 - Valliant, OK MM Docket 01-216



POPULATIONS RECEIVING SERVICE

	70 dBu	60 dBu
City C3	11,389	39,632 persons
City A	7,208	18,397
East C3	18,857	35,724

2000 Census

Mullaney Engineering, Inc. July 2002

FIGURE 2 - ALLOWABLE AREA CH. 262C3 AT VALLIANT, OKLAHMA

Radio One Licenses, Inc. - Docket 01-216

